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C O N F I D E N T I A L BUENOS AIRES 000102

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TAGS: [PREL](#) [SNAR](#) [PTER](#) [EFIN](#) [KCRM](#) [ASEC](#) [KTIP](#) [AR](#)  
SUBJECT: ARGENTINA: MINISTER OF JUSTICE READY TO COOPERATE  
WITH USG ON ALL FRONTS

REF: A. BUENOS AIRES 0092  
[1](#)B. 08 BUENOS AIRES 1571

Classified By: Ambassador E. Anthony Wayne for reasons 1.4  
(b) and (d).

[1](#)1. (U) Action request for State and DEA HQ Washington, para  
[1](#)18.

[1](#)2. (SBU) Summary: Minister of Justice Anibal Fernandez received the Ambassador January 28 in his office and answered "yes" to virtually every offer of collaboration and assistance, including new anti-terrorism training, an enhanced Argentine regional counter-drug role in collaboration with the DEA, and collaborative training exercises sponsored by ICE focused on bulk cash smuggling. Fernandez expressed an interest in visiting the DEA El Paso Intelligence Center and responded favorably when the Ambassador suggested that he couple such a visit with a trip to Washington to meet new Administration officials in the Departments of Justice and Homeland Security. Responding to the Ambassador's suggestion that the two of them strategize about how Argentina and the United States should best collaborate on law enforcement matters in 2009, Fernandez said that he was ready to move ahead with more cooperation on drug trafficking, trafficking in persons, and terrorism. When the Ambassador also mentioned bulk cash smuggling, money laundering and child pornography, Fernandez said fine.

[1](#)3. (SBU) In a joint press stake-out after the meeting, Ambassador Wayne conveyed the message that Argentina is an important partner, a statement broadcast live and repeated all day on television, as well as featured in print dailies the next day. We think Argentina can be a good partner not just bilaterally but also as a regional center for public security issues. Security is the top concern of the Argentine public in polls, and this is one area where the Argentines have not hesitated to work with us even when bilateral tensions were high. Argentina also has some high quality law enforcement services capable of taking regional leadership roles. End Summary.

The Press: First and Last Order of Business  
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[1](#)4. (U) Ambassador, accompanied by Poloff and Judicial Advisor, called on Minister of Justice, Human Rights, and Security Anibal Fernandez on January 28 at the Ministry. As is his standard practice, Fernandez included no staff in the meeting. After the Ambassador and Fernandez exchanged

pleasantries over photo sprays and then television news film crews, the meeting participants experienced the odd sensation of seeing themselves "live" on one of the local news channels shown on one of the six operating television screens in the room.

¶15. (U) After the meeting, Fernandez and the Ambassador appeared jointly and fielded questions from print, television, and radio media arranged for by the Justice Ministry, with Fernandez saying the conversation had focused constructively on collaboration in addressing challenges such as terrorism, narcotics trafficking, trafficking-in-persons (TIP), and money laundering and bulk cash smuggling. The Ambassador noted that President Obama previously had given emphasis to the importance of hemispheric cooperation to address public security (note: in a May 2008 speech in Miami), and that Argentina would undoubtedly be seen as an important regional partner in this effort.

#### Strategic Dialogue on Law Enforcement Opportunities

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¶16. (SBU) The Ambassador began the meeting by noting that President Obama, speaking as a candidate in May 2008 in Miami, had emphasized our shared hemispheric interest in public security. Ambassador suggested in this context that it might be useful for the Minister and Ambassador to engage in some strategic thinking about new opportunities for collaboration on law enforcement areas, possibly in more detail at a future meeting. Fernandez responded favorably, suggesting that his ideas were to focus on opportunities for greater collaboration against terrorism, trafficking in persons (TIP), and drug trafficking.

#### With a "Si" or a Nod

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¶17. (SBU) Emphasizing that he was no "anti-American" and that he was always willing to receive U.S. training and collaboration if it met Argentine needs, Fernandez answered "yes" to a variety of Country Team proposals for training and collaboration, including:

- Playing host to a sub-regional Anti-Terrorism Assistance (ATA) course on the "Police Leader's Role in Combating Terrorism;"
- Expanding on 2008 training from Immigration and Customs Enforcement (ICE) on bulk-cash smuggling to combine a new training unit with a collaborative "operational" exercise at a major port or airport;
- Designating officers to participate in a hostage-rescue training exercise facilitated by the Military Group; and
- Agreeing to have the Argentine Federal Police (PFA) host and manage, with full DEA support, the Southern Cone Center for Drug Information (CDI) that had previously operated in La Paz, Bolivia.

¶18. (SBU) On the issue of expanding collaboration against drug trafficking, Fernandez said that he was interested in signing a new Memorandum of Understanding with the United States to formalize the process. He mentioned that Argentina had recently signed such agreements with Spain, Peru, and most recently Bolivia (the last one a "very strong" agreement, he said). In addition, Fernandez said later that he would like to visit El Paso to see the DEA's El Paso Intelligence Center (EPIC). Fernandez agreed when the Ambassador suggested that we should work to link such a visit with a trip to Washington to meet Administration officials at Homeland Security and the Department of Justice.

#### Terrorism Financing, Money Laundering and Cash Smuggling

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¶19. (SBU) The MOJ also accepted the Ambassador's offer to participate in a signing ceremony and then have officials from his Ministry participate with other key government offices in a terrorism-finance training exercise to be

partially funded by the U.S. Treasury. Fernandez went on to describe new regulations that allowed his Ministry to request assistance from the federal tax authority, AFIP, to investigate questionable accounts possibly linked to money laundering. He also claimed that much of Argentina's money laundering was about evading taxes rather than other more sinister criminal enterprises. On bulk-cash smuggling, Fernandez admitted that Argentine regulations weren't strong enough. The principal violation that could be hung on those caught was for "failure to declare" their cash, which, though not a serious crime, could result in one-half of the money being seized. Fernandez said that the case of Venezuelan-American Antonini-Wilson fell into this category, and that he could still return to Argentina to claim one-half of the USD 800,000 with which he was caught at the Buenos Aires Aeroparque airport in August 2007. Fernandez said he wanted to tighten Argentina's regulations on cash smuggling.

#### Precursor Chemicals, Paco, and Cocaine

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¶10. (SBU) Asked by the Ambassador about progress in addressing pre-cursor chemicals, Fernandez repeated his November case (reftel B) that ephedrine was largely under control. He also said that he believed that little remained unaccounted for, though the Ambassador noted that some experts believed several tons were still "out there" in Argentina. He said that the 2008 decree sharing authority over pre-cursor chemicals among his Ministry, the Ministry of Health, and the Drug Policy Agency SEDRONAR would be put into practice when a regulation was issued in February, 2009 and that between then and April an effective monitoring system would be put in place.

¶11. (SBU) Fernandez said that the cheap and potent drug "paco," had been confirmed by testing offices to be akin to "crack cocaine" but could not be a derivative of local cocaine processing. Fernandez further asserted that there was no real cocaine production in the country because it would be too costly to transport coca leaves into Argentina to process. He said he believed most cocaine entered in a highly concentrated form. (Comment: Fernandez did not address the economics of converting cocaine base to HCL in Argentina. Moreover, DEA testing of limited samples has suggested paco is indeed a crude, low-quality form of cocaine base. End Comment.) Fernandez said that he was encouraging the judicial system to establish a judge dedicated to paco to ensure that the production or trafficking of this drug was thoroughly investigated and addressed.

#### Trafficking in Persons (TIP)

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¶12. (SBU) Fernandez suggested satisfaction with progress toward implementing the 2008 anti-TIP law, but confessed that many judges and prosecutors had yet to fully understand the issues or their importance. He referred again to his Ministry's efforts to set up mechanisms to allow victims to receive psychological counseling prior to police questioning, saying this was good for the victims and for the development of cases. Without the counseling, victims feared that they would be subject to penalties or prosecution themselves. Fernandez said that overall the Federal Government was making good progress, and that key provinces including Misiones, Corrientes and Formosa (along the northern borders) were also taking the issue seriously. Asked by the Ambassador whether the USG could usefully offer training for judges and prosecutors, Fernandez said that within a couple of months, following further organization in the country based on the new law, he might be able to offer some better idea on the who and how of training.

#### Child Pornography

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¶13. (SBU) Ambassador also encouraged Minister Fernandez to consider whether the United States might provide help in addressing what appeared to be a gap in Argentine law

enforcement: that, while trafficking or producing child pornography was a crime in the country, it was not illegal to possess the materials. Fernandez said he did not think that this was the case, saying that he believed the GOA has sufficient authorities to prosecute those in possession of child pornography. He suggested that Embassy officials meet with the Ministry office focused on this crime to get a more detailed reply. (Comment: Information we have received from numerous lawyers and judges as well as specific anecdotes familiar to the Embassy have led us to believe that there are not in fact legal grounds in Argentina to penalize possession of child pornography. We will follow up on the Minister's suggestion and press for details on his Ministry's activities in this area before developing a new pitch. We believe it remains a problem in the country. End Comment.)

#### Crime: The Unappreciated Good News

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¶14. (SBU) Fernandez also gave a detailed case that reported crime in Buenos Aires city was decreasing despite alarmist popular perceptions that it was getting worse. Pulling out a draft statistical analysis he said he was preparing for the President, Fernandez said that armed robbery, car theft, and murder were all relatively low and that the trends were either flat or in decline. Partial statistics for 2008, compared against the same periods in previous years, showed 58 fewer stolen cars for example, a decline that had occurred despite the addition of one million new cars to the road (over what period we are not sure). Many of the cars that were reported stolen, he said, appeared to be insurance frauds, with frustrated owners of rare makes and models resorting to a phony theft when unable to find needed spare parts.

¶15. (SBU) He said that Buenos Aires city totals of 312 reported armed robberies per month were strikingly low for a city of its size, and that the annual murder rate of 3.9 per 100,000 inhabitants was much lower than many large U.S. cities. The success in Buenos Aires was in part the result of the city's reliance on experienced federal police, he said, where typical officers were older with years of

valuable experience. He contrasted this to a much worse situation in Buenos Aires Province, where the much younger average age of provincial police officers might be related to both the higher crime rates and scandals among police officers (including alleged police links to the kidnap of a businessman resolved over the past weekend).

#### Airport Badges

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¶16. (SBU) In a final offer of cooperation, Fernandez also told the Ambassador that his Ministry was ready to approve the issuance of six airport badges needed urgently for pilots and support crew for the Defense Attache's C-12 aircraft. As always, Fernandez's lack of staff at such meetings causes us concern, as we hope for follow-through, but he seemed committed on this several month-old issue and gave us the name of the official to contact.

Comment: GOA Shows There's No Drama with the Obama Administration

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¶17. (C) Although we requested the meeting to coordinate on a broad range of law enforcement objectives, Fernandez seemed pleased to emphasize both privately and publicly how committed the GOA was to working effectively with the new Administration in Washington. As was the case with the Ambassador's recent meeting with Interior Minister Randazzo (reftel A), the goal in part was clearly to emphasize that the press attention to President Fernandez de Kirchner's misstep in finding herself in Havana on the U.S. inauguration day was not a serious thing and that Argentina would not miss the opportunity to improve ties with a U.S. Government that is suddenly much more popular in Argentina. Beyond the

public appearances, however, Fernandez is gradually establishing a track record of delivering on key issues we put before him. We continue to have concerns about the depth of the follow-through on some challenges, but the Minister when pressed will often take the next step we suggest. End Comment.

¶18. (C) More broadly, we believe it is in the U.S. interest to work with Argentina as a potential partner on a regional or hemispheric public security agenda. First, despite problems in its law enforcement and judicial system, it possesses some very high quality law enforcement units and services. Public security, especially crime and drugs, is a top public concern according to many opinion polls, and the government stands to gain by showing a regional leadership role. Also, even when bilateral tensions were high, practical cooperation on fighting drugs and terrorism continued.

#### Action Request

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¶19. (C) Per the conversation reported para 8, we encourage DEA and State to facilitate a visit by the Minister to El Paso and to coordinate high-level meetings for the Minister with counterpart agencies in Washington if he is able to travel there. We should offer Fernandez a draft Memorandum of Understanding outlining new areas of counter-drug cooperation, attach some additional resources to that document, and consider what additional "asks" we might direct to the Minister during such a visit. In addition, Embassy believes the Minister would find of interest and that we would benefit from his visiting Joint Interagency Task Force-South (JIATF-South) in Key West en route to or from Argentina.  
WAYNE